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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhu et al.
App. No. : 09/318,073
Filed : May 25, 1999
For : LOCAL SHIELDING FOR MEMORY
CELLS (Prior to Amendment)
Examiner : Leonardo Andujar

Group Art Unit: 2826

I hereby certify that this correspondence
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Trademark Office, P.O. Box 2327,
Arlington, VA 22202, on

May 14, 2002

(Date)

Adeel S. Akhtar, Reg. No. 41,394

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
AND TO ACCEPT RESPONSE TO OFFICE ACTION

United States Patent and Trademark Office
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Dear Sir:

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Applicants hereby petition to withdraw the holding of abandonment of the above-referenced application pursuant to the guidelines set forth in the Manual of Patent Examining Procedure § 711.03(c)(II) based upon the failure to receive an Office Letter. Through conversations with the Examiner, Applicants learned that the Office Letter was a response to the technical failure of Applicants' counsel to execute the last page of Applicants' response dated as of May 31, 2001. However, Applicants never received said Office Letter. In addition, neither present counsel (Knobbe, Martens, Olson & Bear, LLP) nor prior counsel (Honeywell Technologies, Inc.) for Applicants received the Office Letter mailed by the Examiner on August 15, 2001. Accordingly, Applicants hereby petition for the revival of the above referenced application and the acceptance of the enclosed response.

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Enclosed herein are the following items which provide evidence that the Office Letter was never received by either Applicants, or Applicants' present or prior counsel:

1. Declarations.
 - a. Declaration of Adeel Akhtar, Knobbe Martens Olson & Bear. (Attached as Exhibit A)
 - b. Declaration of Dennis Bremer, Honeywell International, Inc. (Attached as Exhibit B)
2. Docketing Records.
 - a. A copy of the Knobbe Martens Olson & Bear docket record where the nonreceived Office communication would have been entered had it been received and docketed is attached to the declaration of Adeel Akhtar. (Attached as Exhibit A)
 - b. A copy of the Honeywell International, Inc. docket record where the nonreceived Office communication would have been entered had it been received and docketed is attached to the Declaration of Dennis Bremer, Honeywell International, Inc. (Attached as Exhibit B)
3. Petition fee.

No petition fee is set forth in the Manual of Patent Examining Procedure § 711.03(c)(II). As Applicants never received the above referenced Office Letter Applicants believe that no fee is necessary. However, if the Examiner believes otherwise, please charge any necessary fees to Deposit Account No. 11-1410.
4. Proposed response and/or fee.
 - a. The initial, improperly executed copy of the Amendment and Response to Office Action filed as of May 31, 2001 is attached as Exhibit C.
 - b. The properly executed Amendment and Response to Office Action is attached as Exhibit D.
5. Please return prepaid postcard.

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In the event that the above referenced "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION" as set forth in the Manual of Patent Examining Procedure § 711.03(c)(II) is inapplicable, Applicants alternatively petition as follows:

ALTERNATIVE PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)
AND TO ACCEPT RESPONSE TO OFFICE ACTION

1. Proposed response and/or fee.
 - a. The initial, improperly executed copy of the Amendment and Response to Office Action filed as of May 31, 2001 is attached as Exhibit C.
 - b. The properly executed Amendment and Response to Office Action is attached as Exhibit D.
2. Petition fee.
 - a. Please charge the \$110 fee specified under 37 CFR 1.17(l) and any other necessary fees to Deposit Account No. 11-1410.
3. Verified statement that delay was unavoidable.

The delay in submission of the proposed response or fee was unavoidable. Neither Applicant or Applicant's counsel received the Office Letter mailed by the Examiner on August 15, 2001. Please see also the foregoing "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION AND TO ACCEPT RESPONSE TO OFFICE ACTION" and Exhibits attached hereto for additional information regarding the unavoidability of the delay in submission of the proposed response.

4. Please return prepaid postcard.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 14, 2002

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